

**Andover Conservation Commission Meeting Minutes**  
**June 15, 2010**

Town of Andover  
36 Bartlett Street  
3<sup>rd</sup> Floor Conference Room  
7:45pm

**Conservation Commission Members in Attendance:**

Vice Chairman Gail Ralston, Commissioner Al French, Commissioner Michael Walsh, and Commissioner Floyd Greenwood. Staff Members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

**SCHEDULED ITEMS:**

**23 Osgood Street**

**Present in Interest: Dorothy Ellis**

*Staff Recommendation: Approve as Pos.2a, Neg.3 and Neg.6.*

Continued Public Hearing on the Request for Determination of Applicability filed to determine if the boundaries of resource areas are accurately delineated and if the proposed septic system upgrade is subject to the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law.

Agent Cleary presented this to the Commission. This was continued from May 18, 2010 for plan deficiencies to be corrected and restoration of altered wetland. The filing is under the WPA only and is complete. Jeff Bridge inspected the disturbed wetland. Staff and Mr. Bridge both agreed with the wetland line and confirmed it was not a vernal pool. Debris must be removed from the wetland and installation of the non-disturb markers must be done prior to commencement of work.

Vice Chairman Ralston asked for a Motion. Commissioner French made a Motion to Approve as Pos.2a confirming flags WF-100 through WF-115 inclusive and WF-200 through WF-211, Neg.3 and Neg.6, it was seconded by Commissioner Greenwood and unanimously approved.

## **8 Island Way**

*Staff Recommendation: Approve as Neg.3.*

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed abandonment of an existing septic system and tie into town sewer is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. This is under the WPA only and complete. Proposed work is 25 feet from the BVW and will be backfilled on the same day.

Vice Chairman Ralston asked for a Motion. Commissioner French made a Motion to Approve as Neg.3; it was seconded by Commissioner Greenwood and unanimously approved.

## **Mass Highway**

### **I-93 Southbound Just North of Exit 44**

*Staff Recommendation: Withdraw without prejudice.*

Continued Public Meeting on the Request for Determination of Applicability filed to determine of the herbicide spraying of pepperweed is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. This was continued from June 1, 2010. Mass DOT's team has been unable to locate any of the pepperweed and asks the filing be withdrawn.

Vice Chairman Ralston asked for a Motion. Commissioner French made a Motion to withdraw the Application without prejudice; it was seconded by Commissioner Greenwood and unanimously approved.

## **8 Sequoia Lane**

### **Present in Interest: Beth and Terry Kirn**

*Staff Recommendation: Approve as Pos2a, and Neg.3.*

Continued Public Meeting on the Request for Determination of Applicability filed to determine if the proposed installation of subsurface drainage and landscaping work is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. This was continued from May 4, 2010 for purposes of a wetland delineation and a professionally prepared plan depicting

existing and proposed conditions. This is a “Backyard Project”. The Applicant has submitted a professionally prepared plan that meets the directive of the Commission from the May 4, 2010 meeting. The Applicant is working within the existing disturbed areas and are providing improvements such as more impervious surface, cleaning up of wetland, reduction of flooding and groundwater recharge.

Vice Chairman Ralston asked for a Motion. Commissioner Walsh made a Motion to Approve as Pos.2a, confirming wetland flags A1 through A12 inclusive and Neg.3 with conditions; it was seconded by Commissioner French and unanimously approved.

### **Haggetts Pond Road #65**

*Staff Recommendation: Continue to date uncertain.*

Continued Public Hearing on the Abbreviated Notice of Resource Area Delineation filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law to determine if the boundaries of resource areas are accurately delineated.

Mr. Douglas presented this to the Commission. This was continued from November 3, 2009 for purposes of obtaining a DEP file number. We have the DEP number, but the filing is still not complete. The lot was originally a farm house and barn which has been subdivided into 4 lots. The lots have been reconfigured and the Planning and Health Departments are working with the new plans. Staff recommends a new ANRAD be filed with plan containing refigured lots, a revised abutter list and new affidavit of service.

Vice Chairman Ralston asked for a Motion. Commissioner Walsh made a Motion to continue to a date uncertain; it was seconded by Commissioner Greenwood and unanimously approved.

### **ACTION ITEMS:**

#### **12 Fosters Pond Road**

**Present in Interest: David Barber**

*Staff Recommendation: Approve and issue Order of Conditions.*

Issuance of an Order of Conditions.

Original foundation retained with low impact development and many “green” improvements. The existing house pre-dates the By-Law. Special Condition #2 states the special circumstances for this project.

Commissioner Walsh made a Motion to Approve and Issue the Order of Conditions; it was seconded by Commissioner French and unanimously approved.

## **CONSENT AGENDA:**

### **9 Wildwood Road**

Issuance of a Notification of Satisfactory Completion of Work Certificate.

Commissioner French made a Motion to Approve; it was seconded by Commissioner Walsh and unanimously approved.

### **Shawsheen River Inceptor Sewer Replacement Project-Sewer Works Improvement**

**Commissioner Walsh recused himself from discussion.**

Issuance of a Certificate of Compliance.

Commissioner French made a Motion to Approve; it was seconded by Commissioner Greenwood and unanimously approved. *This motion did not pass as Commissioner Walsh recused himself leaving the Commission without a quorum. Staff will place item on the Consent Agenda for July 6<sup>th</sup>.*

## **DISCUSSION ITEMS:**

### **233 Lowell Street**

**Present in Interest: Sean Burke and Barbara Pathak**

The Florida Towers Partners, LLC of Bradenton, Florida are interested in placing a cell phone tower on property located at 233 Lowell Street. The property owners wish to place it immediately adjacent to Conservation land.

Barbara Pathak informed the Commission that there has been extensive research that shows radiation from cell towers are damaging to children's neurological development. The FCC's acceptable standards are based on thermal effects, not radiation. There are increased cases of autism and brain cancer with a 1 mile radius of the cell towers.

Sean Burke stated that there are wetlands near the site. The Property owner has not notified the abutters of the proposed cell tower. Who is responsible for maintaining the tower? Is there a traffic study being done? A cancer study? A conservation study? How will the wildlife be impacted?

### **4 Bancroft Road**

**Present in Interest: Larry Beals and James Berberian**

Informal meeting regarding the proposed creation of a pond within the wetland resource area. The idea is to rehab a culvert, improve site lines and make a visual amenity for the Bancroft property. Under the Act there is a "Limited Project" which allows alteration of more than 5,000 square feet of wetland if it will create a wildlife habitat or improve the wetland. Right now, the runoff comes down Bancroft Road, which has limited catch basins, causing sediment build up mostly of road sand. Invasive plants will be removed; a forebay will be installed with sump and a stone wall. The Applicant will excavate a deep hole with a 2 to 1 slope which will come up to a shallow shelf then into a deeper hole then into an outlet. This could be used as fire protection if necessary.

Commissioner Walsh asked what would happen during a flood. What is more functional wetland or a pond relative to flood storage? The flooding needs to be addressed.

James and Bob Douglas will meet with Chris Cronin and the fire department prior to the next meeting.

Commissioner Walsh made a Motion to continue to July 20, 2010, it was seconded by Commissioner French and unanimously approved.

**New Commissioner to Replace Commissioner French**  
**Present in Interest: Keith Saxon**

Vice Chairman Ralston will add Willow Chesley to the list of potential candidates. Keith Saxon submitted his application today.

Vice Chairman Ralston, Commissioner Walsh and Chairman Cooper will form a subcommittee to review the applications.

**INFORMATION ITEMS:**

**Conservation Property Signage**  
**Present in Interest: Sam Matley, Zack Matley, Laurel Matley and Chris Matley**

Presentation by Sam Matley from "Natures Helpers" on his proposed project for sign embellishment on conservation property. Natures Helpers would like to maintain the entrances on conservation land trails, install missing signage, clean up trash, plant flowers, cut weeds and place their own sign that Natures Helpers are helping maintain the entrance.

Commissioner French would like to see Natures Helpers take on one reservation with the assistance of the overseer to see how it works.

Mr. Douglas asked what the source of the funds for maintaining the entrances was. Sam informed him that it was a "family enterprise". Mr. Douglas asked the Commission to appropriate \$50.00 for the project.

Mr. DeCelle informed the Commission that the signage for Natures Helpers would be a small medallion. This is a slow process and will take time.

Commissioner Greenwood suggested he start with one reservation but the Commission would need to review the signage.

Commissioner Greenwood made a Motion to allow Natures Helpers to start their project with one site, appropriate \$50.00 and request prior approval of the medallion; it was seconded by Commissioner Walsh and approved. Commissioner French abstained.

### **High Plain Road Virginia Hammond Reservation**

Discussion with Bob DeCelle about expanded Parking Area. He would like parking for 4-6 cars on a level area to get the cars off the street.

Commissioner Greenwood is concerned with pollution from the cars damaging the environment. Parking on the street is very dangerous and Mr. DeCelle plans on using wood chips to absorb anything that may come from the parked cars.

### **Jenkins Road Jenkins Quarry Reservation**

Discussion with Bob DeCelle regarding proposed Camping Area. There is a location across the Skug River which is perfect for nonimproved camping. Mr. DeCelle would like to remove the invasive buckthorn and install a stationary fire pit for boy scouts to use for camping.

Commissioner Greenwood made a Motion to approve; it was seconded by Commissioner Walsh and unanimously approved.

### **21 Off Webster Street**

Update on Enforcement Order. The debris has been removed and the grass is growing. The wetland is stabilizing nicely. Staff recommends that the applicant may submit new proposed work now that the Enforcement Order has been fully addressed. Sign-off on Enforcement Order should be in the fall to ensure area is fully stabilized.

**The next meeting will take place July 1, 2010 at 7:45pm.**

**The meeting was adjourned by Motion of Commissioner French, seconded by Commissioner Greenwood and unanimously approved.**

**Respectfully submitted by:**

**Lynn Viselli,  
Recording Secretary**